

HOUSE No. 4441

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 17, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill to ensure transparency of workforce participation in public construction contracts (Senate, No. 2386), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4441.

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 4441

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 14C of chapter 7 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by striking out, in lines 46 and 47, the words “and (6) any other
3 relevant information specified by the secretary” and inserting in place thereof the following
4 words:-

5 (6) the reports required by subsection (j) of section 40N; and

6 (7) any other relevant information specified by the secretary.

7 SECTION 2. Section 38F of said chapter 7, as so appearing, is hereby amended by inserting after
8 the word “project”, in line 9, the following words:- , including evidence of the applicant’s ability
9 to advance the commonwealth’s goals under section 40N.

10 SECTION 3. Section 40N of said chapter 7, as so appearing, is hereby amended by striking out,
11 in line 16, the words “construction and design services”, and inserting in place thereof the
12 following words:- construction, design, goods and services and, (6) in order to advance that
13 policy, the commonwealth shall include language in all state construction contracts and state
14 assisted construction contracts setting forth the participation goals of minority and women

workers to be employed on each such contract and provisions setting forth processes and procedures to ensure compliance with those workforce participation goals, including reporting and enforcement provisions.

SECTION 4. Subsection (b) of said section 40N said chapter 7, as so appearing, is hereby amended by striking out the definition of “State office of minority and women business assistance” and inserting in place thereof the following definition:-

“Supplier diversity office” or “SDO”, the supplier diversity office established in section 58A.

SECTION 5. Said section 40N of said chapter 7, as so appearing, is hereby amended by striking out, in lines 75 and 76, line 90, lines 100 and 101 and lines 134 and 135, the words “state office of minority and women business assistance” and inserting in place thereof, in each instance, the following words:- supplier diversity office.

SECTION 6. Said section 40N of said chapter 7, as so appearing, is hereby further amended by striking out, in line 95, the word “SOMWBA” and inserting in place thereof the following word:- SDO.

SECTION 7. Said section 40N of said chapter 7, as so appearing, is hereby further amended by striking out subsection (j) and inserting in place thereof the following 2 subsections:-

(j) The secretary of administration and finance shall file an annual report with the house and senate clerks, who shall forward the report to the joint committee on state administration and regulatory oversight and the house and senate committees on ways and means, including the following information related to public construction and design services contracts administered by the executive offices listed in section 2 of chapter 6A, any department, office or division of

said executive offices or the Massachusetts Department of Transportation: (1) the date each contract was entered into; (2) a brief description of each contract including the contract reference number, total contract dollar amount to be spent on the contract, the location of the project and whether the project receives federal aid and state funding; (3) the total amount of the money expended, to date, on each contract; (4) the total amount of money expended to date, with minority business enterprises and women business enterprises on the contract; (5) the name of each minority business enterprise and women business enterprise that performs work as a contractor whether as a general or prime contractor or as a subcontractor, on the contract; (6) the total number of labor hours worked to date, on each contract organized by the zip code of each worker; (7) the total number of labor hours worked to date by women, expressed both in the form of a whole number and as a percentage; (8) the total number of labor hours worked to date by minorities, expressed both in the form of a whole number and as a percentage; and (9) any additional information required by the SDO. The report shall be filed on or before January 30 of each year and shall be made publicly available on the searchable website established under section 14C.

(k) The commissioner shall promulgate regulations necessary to implement this section.

SECTION 8. Paragraph 2 of section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after clause (F) the following clause:-

(G) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency shall set forth the participation goals of minority and women workers to be employed on each such contract and provisions setting forth processes and

procedures to ensure compliance with those workforce participation goals, including reporting and enforcement provisions.

SECTION 9. Section 44D of said chapter 149, as so appearing, is hereby amended by inserting after the word “guidelines”, in line 67, the following words:- , including evidence of the applicant’s ability to advance the commonwealth’s goals under section 44A³/₄ and section 40N of chapter 7.

SECTION 10. Said section 44D of said chapter 149, as so appearing, is hereby further amended by inserting after the word “commitments”, in line 75, the following words:- ; information on and evidence of the applicant’s compliance record with respect to minority-owned business and women-owned business inclusion goals and workforce inclusion goals, if applicable.